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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SINGH, RACHNA	
ART UNIT	**PAPER NUMBER**
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/822,312	HENNING ET AL.	
	Examiner	Art Unit	
	Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,8,9,12-15 and 18-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,8,9,11-15 and 18-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04/12/04* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to: Amendments and Remarks filed on 08/29/07.

2. Claims 1-4, 7-15, and 18-24 are currently pending in the case, with claims 1, 12, and 18 being the independent claims. Claims 4-7, 10-11, and 16-17 are cancelled.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 18 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 6, lines 20-30, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., storage media such as RAM, ROM, etc) and intangible embodiments (e.g., communication media such as signals and waves). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or

non-functional media. For the specification at the bottom, carrier medium and transmission media would be not statutory but storage media would be statutory.

Claims 19-24 are rejected under 35 U.S.C. 101 for fully incorporating the deficiencies of their base claim from which they depend.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Astiz, et al. (U.S. Patent 6,035,330, issued March 7, 2000) [hereinafter "Astiz"].

Regarding **independent claim 12, as amended**, Astiz teaches:

A method for tracking and diagramming navigated portions of a web site, comprising:

displaying a diagram of a structure of a selected web site, the diagram including diagram nodes for the selected web site and for any web links associated with the selected web site, wherein the diagram of the structure is generated and displayed on a web site diagramming application of a client;

receiving a selection of a first web link from the diagram;

in response to the selection of the first web link in the diagram, causing a browser to open the first web link;

determining whether an expand target indicator is actuated in associated with the first web link;

when the expand target indicator is not actuated in association with the first web link, automatically updating the diagram to add a diagram node for the selected second web link whereby the diagram node for the selected second web link is added to the diagram in a position illustrating a relationship of the selected second web link to other nodes in the diagram.

when the expand target indicator is actuated in association with the first web link, automatically updating the displayed diagram to add a diagram noted for web links associated with the first web link whereby the diagram nodes are added to the diagram in positions illustrating relationships to other nodes in the diagram, wherein other web links associated with the first web link are not added to the diagram.

(See, Astiz, figure 4-11, and col. 7, line 9 through col. 18, line 7, specifically, figure 10 and col. 11, line 59 through col. 12, line 14, teaching mapping and updating the map.

Astiz dislcoses an "expand" actuator in figure 6. It is noted that diagramming during navigation of is expressly part of the Astiz invention. See, Astiz, col. 10, lines 50-58, teaching that if a user is following a link and is directed to a web site that is not on the web site map, the user is "prompted to indicate whether he wants the map maker to create a map in real time for that web site." See also, Astiz, col. 11, lines 26-58,

similarly teaching mapping in real time.

Astiz specifically teaches to parse and map the entire web sites requested, and to display the results. There is no limitation on the parsing and mapping functions. The mapping stop when the cite "requires a user interaction."

It is further noted that access to each of the hyperlinks that are parsed and mapped would have been dependent on "user interaction" if the page on which the hyperlink appeared were being viewed by a user. In other words, if a user was browsing a web site, without use of the mapping invention, each hyperlink would have to be clicked on separately to access the linked data. By use of the invention of Astiz, the clicking on the hyperlinks is automatic during the mapping process and the results are displayed in the map. See, Astiz, col. 7, line 9 through col. 13, line 31, teaching the map maker. See also, claim 25, teaching that the map outline is an unrestricted outline of the hierarchy of files, further indicating no limitations.

Regarding **dependent claim 13, as amended**, Astiz teaches:

> *The method of claim 12, further comprising:*
>
> *in response to receiving a selection of the first web link, launching a web browser control for displaying a web page representing the selected first web link and for browsing links from the selected web site associated with the selected first web link;*

wherein receiving a selection of the second web link includes receiving an indication of a user browsing to the second web link from the displayed web page.

(See, Astiz, col. 12, line 62 through col. 13, line 12, teaching mapping and navigating subordinate web sites.)

Regarding **dependent claim 14, as amended**, Astiz teaches:

The method of claim 13, whereby receiving an indication of a user browsing to a second web link from the displayed web page requires user interaction with the web browser control for browsing to the second web link.

(See, Astiz, col. 12, lines 15-36, teaching user interaction to browse to a second link.)

Regarding **dependent claim 15, as amended**, Astiz teaches:

The method of claim 13, further comprising automatically finding and mapping to the web diagram data structure web links not requiring user interaction found in response to browsing to the second web link from the displayed web page.

(See, Astiz, col. 11, line 4 through col. 13, line 25, teaching user interaction to browse to a second link and automatically mapping.)

Claims Rejection – 35 U.S.C. 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 8-9, and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astiz, et al. (U.S. Patent 6,035,330, issued March 7, 2000) [hereinafter "Astiz"].

Regarding independent 1, Astiz discloses a navigational mapping system and method which meets the preamble, ***a computer-implemented method for tracking and diagramming navigated portions of a web site***. See abstract.

Astiz discloses receiving a selected web site on a map viewer on a user's computer which meets the limitation, ***receiving a selected web site on a web site diagramming application of a client***. See figure 9 and column 7, lines 23-60.

Astiz discloses parsing the web site for files/links that are part of the website until a map boundary parameter is reached by the map maker which meets the limitation, ***automatically parsing the selected web site for web links subordinate to the selected web site, wherein the selected web site does not require user interaction to identify the web links subordinate to the selected web site, wherein parsing the***

selected web site includes at least one member of a group comprising: automatically parsing the web site to a specified maximum number of links and automatically parsing the web site to a specified maximum number of discovery levels. See column 11, lines 26-67, column 12, lines 15-62, column 13, lines 34-67. See also figures 3 and 10.

Astiz discloses mapping the selected site and the parsed links to the map viewer which meets the limitation, ***mapping the selected web site and parsed web links to a web diagram data structure of the web site diagramming application of the client.*** See abstract and columns 7-8.

Astiz discloses a user can select an HTML page on the map upon which the browser retrieves the HTML page which meets the limitation, ***receiving a selection of a first web link in the web diagram data structure of the web site diagramming application to cause a browser to obtain a web page associated with the first web link from a server, wherein the first web link is subordinate to the selected web site, wherein the fist web link requires user interaction within the web page to identify web links subordinate to the first web link.*** See column 12, lines 62-67 and column 13. Astiz teaches parsing up to a specified boundary parameter, thus if the parameter is set to first children of the web site then ***the web links subordinate to the first web link are not mapped to the web diagram data structure of the web site diagramming application of the client***. See column 12.

Astiz teaches an external hyperlink can be accessed which meets the limitation, ***receiving an interaction with a second web link within the obtained web page of***

the first link, wherein the second web link is subordinate to the first web link. See columns 12-13.

Astiz teaches retrieving the selected web page from the server which meets the limitation, ***obtaining a web page associated with the second web link from the server***. See column 12.

Astiz discloses an expand target selection in figure 6. Further Astiz teaches mapping the links to the map viewer which meets the limitations, ***determining whether an expand target selection of the obtained web page of the second web link is received, when the expand target selection is retrieved, mapping the second web link and links subordinate to the web diagram data structure of the web site diagramming application of the client; when the expand target selection is not received, mapping the second web link without links subordinate to the second web link to the web diagram data structure of the web site diagramming application of the client.*** See columns 7-8 and 11-12.

It is noted that diagramming during navigation of is expressly part of the Astiz invention. See, Astiz, col. 10, lines 50-58, teaching that if a user is following a link and is directed to a web site that is not on the web site map, the user is "prompted to indicate whether he wants the map maker to create a map in real time for that web site." See also, Astiz, col. 11, lines 26-58, similarly teaching mapping in real time.

Astiz specifically teaches to parse and map the entire web sites requested, and to display the results. There is no limitation on the parsing and mapping functions. The mapping stop when the cite "requires a user interaction."

It is further noted that access to each of the hyperlinks that are parsed and mapped would have been dependent on "user interaction" if the page on which the hyperlink appeared were being viewed by a user. In other words, if a user was browsing a web site, without use of the mapping invention, each hyperlink would have to be clicked on separately to access the linked data. By use of the invention of Astiz, the clicking on the hyperlinks is automatic during the mapping process and the results are displayed in the map. See, Astiz, col. 7, line 9 through col. 13, line 31, teaching the map maker. See also, claim 25, teaching that the map outline is an unrestricted outline of the hierarchy of files, further indicating no limitations.

Astiz teaches limiting parsing levels. See, Astiz, figure 10, and col. 12, lines 15-36, teaching limiting the parsing levels to set boundary parameters. Astiz does not expressly teach the boundary parameters as including limiting the automatic parsing to a maximum number of discovery levels or that the boundary parameters as including limiting the automatic parsing to a specified maximum number of links.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a maximum number of discovery levels as a limit for automatically parsing a web site for subordinate web sites or to use a set number of links as a limit for automatically parsing a web site for subordinate web sites for the obvious and beneficial purpose of limiting the scope of the web search. With web sites linking to web sites linking to web sites, and on and on, there would be an almost endless map of sites. This would tax the hardware limits, time to search, and the bandwidth available to

everyone. Therefore, it would be obvious and beneficial to limit the scope of the search by the number of links.)

Regarding **dependent claim 2, as amended**, Astiz teaches:

The method of claim 1, further comprising:

in response to receiving a selection of the first web link, launching a web browser control for displaying a web page representing the selected first web link and for browsing any links subordinate to the selected first web link;

wherein receiving a selection of a second web link includes receiving an indication of a user browsing to a web link level subordinate to a level of the selected first web link; and

receiving a selection of the second web link from the web link level subordinate to the level of the selected first web link.

(See, Astiz, col. 12, line 62 through col. 13, line 12, teaching mapping and navigating subordinate web sites.)

Regarding **dependent claim 3**, Astiz teaches:

The method of claim 1, whereby receiving the selected web site includes receiving an address for the selected web site at a web diagramming application.

(See, Astiz, figures 4-11, and col. 7, line 9 through col. 18, line 7, specifically, figure 10 and col. 11, line 59 through col. 12, line 14, teaching receiving an address for a selected web site at a web diagramming (mapping) application.)

Regarding **dependent claim 8, as amended**, Astiz teaches:

> *The method of claim 7, whereby receiving a selection of a first web link from the any parsed web links as a starting point for browsing a path through the web site includes receiving a selection of a first web link from the displayed web diagram.*

(See, Astiz, col. 10, line 50 through col. 11, line 3, teaching access to any identified web page directly from the displayed map.)

Regarding **dependent claim 9, as amended**, Astiz teaches:

> *The method of claim 8, further comprising automatically finding and mapping web links contained on a web link level subordinate to a web link level containing the selected first web link to the web diagram data structure.*

(See, Astiz, col. 12, lines 15-36, teaching automatic mapping of subordinate (child) web page.)

Regarding **claims 18-21**:

Claims 18-21 incorporate substantially similar subject matter as claimed in claims 1, 2, 7, and 8 respectively, and are rejected along the same rationale.

Regarding **claim 22,** Astiz teaches:

The computer-readable medium of claim 21, further comprising automatically finding and mapping to the web diagram data structure web links not requiring user interaction found in response to browsing to the second web link from the displayed web page.

(See, Astiz, col. 11, line 4 through col. 13, line 25, teaching user interaction to browse to a second link and automatically mapping.)

Regarding **claim 23,** Astiz teaches:

prior to automatically finding and mapping to the web diagram data structure web links found in response to browsing to the second web link from the displayed web page, further comprising receiving a selection of an expanded mapping wherein automatically finding and mapping is in response to receiving a selection of an expanded mapping.

(See, Astiz, col. 11, line 4 through col. 13, line 25, teaching user interaction to browse to a second link and automatically mapping.)

Regarding **claim 24,** Astiz teaches:

The method of claim 23, whereby creating and displaying a web diagram from the web diagram data structure further comprises showing a diagram node for each of the web links contained on a web link level subordinate to a web link level containing the selected first web link to the web diagram data structure.

(See, Astiz, figure 6, and col. 11, line 59 through col. 13, line 12, teaching displaying the web diagram as specified.)

9. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

10. Applicants' arguments filed 08/29/07 have been fully considered, but they are not persuasive.

Applicant amended claims 1, 12, and 18 and cancelled claims 4-7, 10-11 and 16-17. Pursuant to Applicant's amendments, the rejections under 35 U.S.C. 112 have been withdrawn. Upon further review, Examiner has presented a rejection under 35 U.S.C. 101 above.

On pages 10-11 of the Remarks, Applicant argues Astiz teaches mapping hyperlinks in their entirety. Applicant further argues Astiz teaches pre-generated mappings and the maps are not dynamically created as the user navigates. Examiner respectfully disagrees. As an initial point, it does not the seem the claims necessarily require a dynamic generation of maps or even prohibit the pre-generated mappings

from being presented as a user navigates. Regardless of whether they do or not, Astiz teaches the map can be created in real-time in column 10, lines 54-61.

Regarding claims 12 and 18, Applicant argues on pages 11-13 that Astiz does not teach the combination of features. Since Applicant generally states that the claimed features are not taught, Examiner notes that the limitations cited in claim 12 and 18 are all disclosed by the reference as indicated in the rejections above.

Specifically, Applicant argues Astiz does not teach "when the expand target indicator is not actuated in association with the first web link, automatically updating the displayed diagram to add a diagram node for a selected second web link whereby the diagram node. . .to other nodes in the diagram". Examiner respectfully disagrees. Astiz dislcoses an "expand" actuator in figure 6. It is noted that diagramming during navigation of is expressly part of the Astiz invention. See, Astiz, col. 10, lines 50-58, teaching that if a user is following a link and is directed to a web site that is not on the web site map, the user is "prompted to indicate whether he wants the map maker to create a map in real time for that web site." See also, Astiz, col. 11, lines 26-58, similarly teaching mapping in real time.

In view of the comments above, the rejection is maintained.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-

4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rachna Singh
11/07/07